

**REMARKS**

Favorable reconsideration of this application, in view of the preceding amendments and following remarks, is respectfully requested.

Claims 1-4, 9, 11 and 14-38 are pending in this application. Claim 11 is amended. Claims 23-38 are newly added.

Applicants acknowledge with appreciation the Examiner's indication that the drawings filed March 29, 2004 were accepted by the United States Patent and Trademark Office (USPTO) and that certified copies of the priority documents were received by the USPTO.

**Information Disclosure Statements**

Applicants note that a first Information Disclosure Statement listing five references was filed on February 25, 2005 and a second Information Disclosure Statement listing nine references was filed on September 26, 2006. Applicants respectfully request that the Examiner acknowledge the consideration of the references listed in the Information Disclosure Statements.

**Claim Rejections under 35 U.S.C. § 102**

Claims 1-4, 9, 11 and 14-22 stand rejected under 35 U.S.C. § 102(e) as anticipated by Okada (U.S. Pub. No. 2002/0046328). Applicants respectfully traverse this rejection as detailed below.

**Claims 1-4, 9 and 14-22**

Initially, Applicants note that claim 1 is directed towards a recording medium having a data structure including a data area and a navigation area for managing reproduction of at least

video data representing multiple reproduction paths. In particular, claim 1 recites “a first navigation unit, the first navigation unit including one or more second navigation units ..., at least one second navigation unit referencing more than one third navigation unit, each third navigation unit indicating a separate file of video data in the data area to reproduce.” Applicants respectfully submit that at least the above-emphasized feature of amended independent claim 1 and the similar features of independent claims 16-19 patentably distinguish claims 1-4, 9 and 14-22 over Okada as further detailed below.

In the art grounds of rejection, the Examiner relies on “see figures 42-44, leading address, amount of data, and next storage address) as disclosing the features of the navigation area recited in independent claims 1 and 16-19.<sup>1</sup>

In light of the above Applicants assume that the Examiner is alleging that the leading address, amount of data and next storage address shown in the column heading of FIG. 44 correspond to the first navigation unit, second navigation unit and third navigation unit recited in independent claim 1. Applicants address the Examiner’s rejection based on this assumption and respectfully request the Examiner to clarify the rejection if the arguments below are not deemed to overcome the rejection.

Applicants assert that FIG. 44 illustrates a management table that indicates the empty areas in the zones of the disk and not “a separate file of video data in the data area to reproduce,” as recited in claim 1. Paragraph [0354] of Okada supports this assertion by indicating “the leading address of the corresponding zone, the amount of data recorded in the corresponding zone, the next storage address.” Further, the leading address, amount of data and next storage address have a 1:1:1 ratio meaning that each leading address corresponds to only one amount of

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<sup>1</sup> Office Action mailed September 7, 2006, page 2, lines 20-24.

data and only one next storage address. Accordingly, one leading address cannot reference more than one next storage address, for example.

In light of the above, Applicants respectfully submit that Okada at least fails to disclose, teach or suggest “a first navigation unit, the first navigation unit including one or more second navigation units ..., at least one second navigation unit referencing more than one third navigation unit, each third navigation unit indicating a separate file of video data in the data area to reproduce,” as recited in independent claim 1 and the similar features of independent claims 16-19.

Therefore, Applicants respectfully request that the rejection of independent claims 1 and 16-19, as well as the claims depending therefrom, under 35 U.S.C. § 102(e) be withdrawn.

#### Claim 11

Independent claim 11, like independent claim 1, is directed towards a recording medium having a data structure including a data area and a navigation area for managing reproduction of at least video data representing multiple reproduction paths. Claim 11 recites, *inter alia*, “a first navigation unit including one or more second navigation units, the second navigation unit ... including a multiple reproduction path indicator indicating that the second navigation unit provides navigation information for multiple reproduction paths.”

Regarding claim 11, the Examiner merely asserts that “claims 9 and 11 are analyzed and rejected for the same reason as discussed in claim 1 above.”<sup>2</sup>

As discussed above, the Examiner alleges that the “amount of data” in the column heading of FIG. 44 corresponds to a second navigation unit. However, even if the Examiner’s allegation is correct (which the Applicants rebut in the above-section regarding claim 1), there is

no mention of a multiple reproduction path indicator being included in the amount of data in Okada and the Examiner has not identified a specific portion of Okada believed to disclose a “multiple reproduction path indicator” recited in independent claim 11.

Therefore, Applicants respectfully request that the rejection of independent claim 11 under 35 U.S.C. § 102(e) also be withdrawn.

**Claim Rejections under 35 U.S.C. § 101**

Claims 1-4, 9, 11, 14 and 15 stand rejected under 35 U.S.C. § 101 because the claims are directed to a recording medium storing nonfunctional descriptive material. Applicants respectfully traverse this rejection as detailed below.

Initially, Applicants respectfully note that the Examiner has incorrectly characterized the recording medium recited in both independent claims 1 and 11 as storing **nonfunctional** descriptive material. The Manual of Patent Examining Procedure (MPEP) provides guidance on the difference between “nonfunctional descriptive material” and “functional descriptive material”. In particular, MPEP § 2106(IV)(B)(1) states the following.

In this context, “function descriptive material” consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of “data structure” is “a physical or logical relationship among data elements, designed to support specific data manipulation functions.” The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5<sup>th</sup> ed. 1993).) “Nonfunctional descriptive material” includes but is not limited music, literary works and a compilation or mere arrangement of data.

Accordingly, Applicants respectfully submit that it is clear that the “recording medium having a data structure for managing reproduction of at least video data representing multiple

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<sup>2</sup> Office Action mailed September 7, 2006, page 3, lines 6-8.

reproduction paths” recited in independent claim 1 is a recording medium storing functional descriptive material.

Further, MPEP §2106(IV)(B)(1)(a) clearly states regarding functional descriptive material that “a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure’s functionality to be realized, and is thus patentable.” Accordingly, because the recording medium recited in claims 1 and 11 include a data structure having a data area and navigation area allowing data to be obtained from or stored in the data area of the recording medium, claims 1 and 11 are clearly directed towards patentable, statutory subject matter.

In light of the above, Applicants respectfully request that the rejection of independent claims 1 and 11, and claims depending therefrom, under 35 U.S.C. § 101 be withdrawn.

#### **New Claims**

Claims 23-38 are newly added and are believed to be in condition for formal allowance. Further, Applicants respectfully note that newly added dependent claims 24-38 are similar to claims 2-4 and 14-15, which depend from claim 1.

#### **CONCLUSION**

Accordingly, in view of the above amendments and remarks, reconsideration of the rejections and allowance of each of claims pending in this application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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